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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,516	11/26/2001	Trung T. Doan	500966.01	8536

7590

09/20/2005

Kimton N. Eng, Esq.
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EXAMINER

CLEARY, THOMAS J

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/994,516	DOAN ET AL.	
	Examiner	Art Unit	
	Thomas J. Cleary	2111	

All participants (applicant, applicant's representative, PTO personnel):

(1) Thomas J. Cleary - USPTO.

(3) Marcus Simon - 50,258.

(2) Khanh Dang - USPTO.

(4) _____.

Date of Interview: 9/9/05; 9/14/05.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: PTO 413A and proposed claims submitted via fax on 29 August 2005.

Claim(s) discussed: 1-50 and proposed claims 51-56.

Identification of prior art discussed: Shanley, Lay, AP-758.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Khanh Dang

Khanh Dang
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

[Signature]
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner clarified for Applicant the motivation for combining the references. Specifically, the Examiner explained that Lay teaches storing a boot image (machine state) to non-volatile memory, and AP-758 teaches the use of a non-volatile memory on a PC Card, which can be used in an embedded system. The Examiner clarified that the system of Lay has attributes which are beneficial to embedded systems (speed, reliability), and thus one would be motivated to use the system of Lay in the embedded system of AP-758. Applicant proposed new claims, of which it was agreed upon that the primary difference between the new claims and the claims presently pending in the case was the ability to store and retrieve a plurality of machine states from the non-volatile memory. The Examiner agreed to review the proposed claims to determine if they would overcome the art of record. The Examiner followed up the interview with a telephone call to the Applicant and left a message indicating that the new claims did not overcome the art of record, as Lay teaches storing and retrieving multiple boot images from the non-volatile memory (See Column 4 Lines 29-40 and Column 5 Lines 39-52 of Lay).

**FAX COVER SHEET**

The information contained in this facsimile message, if a client of this firm is a named addressee, or the message is otherwise intended for a client, is presumptively legally privileged and confidential information. If you are not a named addressee, or if there is any reason to believe that you may have received this message in error, (1) do not read the message below; (2) do not distribute or copy this facsimile; and (3) please immediately call us collect at the number of the sender below.

DATE: August 29, 2005		TOTAL # OF PAGES: (INCLUDING THIS COVER SHEET) 5	
TO:	Examiner Thomas J. Cleary	FAX #:	(571) 273-3624
FIRM NAME:	U.S. Patent and Trademark Office	PHONE #:	(571) 272-3624
<hr/>			
FROM:	Carolyn L. Ross for Marcus Simon	FAX #:	(206) 903-8820
PHONE #:	(206) 903-8787	EMAIL:	simon.marcus@dorsey.com

COMMENTS:

Examiner Cleary:

Attached are the proposed claims and an Applicant Initiated Interview Request Form. Please call me with any questions you may have.

Marcus Simon

ORIGINAL WILL BE SENT VIA: ☐ MAIL ☐ E-MAIL ☐ MESSENGER ☐ AIR COURIER ☒ WILL NOT BE SENT

PLEASE CONTACT CAROLYN L. ROSS AT (206) 903-8833 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

REFERENCE # 500966.01 (446602-1269)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/994,516 Confirmation No. : 8536
Applicants : Trung T. Doan and Dean A. Klein
Filed : November 26, 2001 Attorney Docket No.: 500966.01
Art Unit : 2111 Customer No. : 27,076
Examiner : Thomas J. Cleary
Title : MACHINE STATE STORAGE APPARATUS AND METHOD

PROPOSED CLAIMS

Dear Examiner Cleary:

Enclosed is an Applicant Initiated Interview Request Form PTOL-413A and proposed claims to be discussed during the phone interview. I will call you to set-up a convenient time for the phone interview.

Proposed Claims begin on page 2 of this paper.

51. (Proposed) A computer system, comprising:
a central processing unit (CPU);
a first bus coupled to the CPU;
a memory coupled to the first bus to store data accessible by the CPU via the first bus;

a second bus coupled to the first bus to provide communication with the CPU and the memory via the first bus; and

a PC card coupled to the second bus and including a non-volatile memory operable to store a plurality of machine states therein, the PC card further including a controller operably coupled to the non-volatile memory for coordinating with the CPU access to the non-volatile memory and the memory to transfer a selected one of the machine states from the non-volatile memory to the memory and write the selected one of the machine states in the memory.

52. (Proposed) The computer system of claim 51 wherein each of the machine states is associated with a different machine.

53. (Proposed) The computer system of claim 51 wherein each of the machine states is a different machine state.

54. (Proposed) A method for restoring a machine state to a computer system having a central processing unit (CPU) coupled to a memory, and further having a bus coupled to the CPU and memory to provide communication therewith, the method comprising:

selecting the machine state from a plurality of machine states, the plurality of machine states stored in a non-volatile memory included in a PC card;

transferring the selected machine state from the non-volatile memory to the computer system; and

writing data of the selected machine state to the memory and CPU in order to restore the computer system to the selected machine state.

55. (Proposed) The method of claim 54 wherein each of the machine states is associated with a different machine.

56. (Proposed) The method of claim 54 wherein each of the machine states is a different machine state.

Respectfully submitted,

DORSEY & WHITNEY LLP



Marcus Simon
Registration No. 50,258
Telephone No. (206) 903-8728

MS:clr

Enclosures:
PTOL-413A

DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010
(206) 903-8800 (telephone)
(206) 903-8820 (fax)

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PTOL-413A (08-04)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/994,516 First Named Applicant: Trung T. Doan
Examiner: Thomas Cleary Art Unit: 2111 Status of Application: _____

Tentative Participants:

(1) Marcus Simon (2) Thomas Cleary
(3) _____ (4) _____

Proposed Date of Interview: To be determined Proposed Time: _____ (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s Proposed claims	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	<u>51-56</u>	<u>R1, Shanley, Lay, AP-758</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rejection</u>	<u>1-50</u>	<u>same</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

Discuss patentability of proposed new claims 51 & 56. Cited references do not teach or suggest selecting from a plurality of machine states stored on a PC card & transferring the selected machine state to the memory. Also, with regard to claims 1-50 there is a lack of motivation in the cited references to store the machine state on a PC card.
An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Marcus Simon

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

MARCUS SIMON

Typed/Printed Name of Applicant or Representative

50,258

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.